

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF EMERY COUNTY COMMISSIONERS
HELD IN THE EMERY COUNTY COURTHOUSE

JUNE 7, 2016

Present at the meeting was Commission Chairman Keith Brady, Commissioner Paul Cowley, Commissioner Ethan Migliori, Attorney Mike Olsen, Deputy Clerk/Auditor Carol Cox, elected officials and citizens.

CONSENT AGENDA

(1)

APPROVAL OF CHECK EDIT LIST, REQUISITIONS, AND DISPOSITIONS.

The Warrant Check Edit List # 240551 through and including # 240701 was presented for payment.

One requisition was presented for approval.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
22-16	(6) Vehicle Set-ups, including radar & camera Sheriff	\$85,424.04

Two dispositions were presented for approval.

#580-8500, hp scanjet 5590 scanner, and 580-6562, copier.

(2)

APPROVAL OF COMMISSION MEETING MINUTES DATED MAY 17, 2016

(3)

NOTIFICATION. CORY WORWOOD REHIRED ERIK NIELSEN AS A SEASONAL WEED & MOSQUITO TECHNICIAN WORKING 29 HOURS PER WEEK. WAGE \$13.50.

(4)

APPOINTMENT OF JORDAN LEONARD AS THE INTERIUM DEPARTMENT HEAD OVER TRAVEL BUREAU.

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(5)

APPROVAL TO PROMOTE DUSTIN DETO TO DISTRICT OPERATOR-NO WAGE CHANGE.

(6)

APPROVAL TO PROMOTE ERIC NIELSEN TO SR. EQUIPMENT OPERATOR GRADE 19.

(7)

APPROVAL TO HIRE JEREMY LAKE AND MATTHEW SALAS AS A FULL TIME DISPATCHER I, WITH FULL BENEFITS. WAGE GRADE 14.

(8)

APPROVAL TO HIRE KEVIN ANDY WALL AS A FULL TIME CORRECTION OFFICE I, WITH FULL BENEFITS. WAGE GRADE 15.

(9)

NOTIFICATION. SHANNON HIATT SELECTED SAVAHNA ALL AS A PART TIME LIFEGUARD WORKING 19 3/4 HOURS PER WEEK. WAGE 7.92 PER HOUR.

(10)

APPROVAL TO HIRE CASSIDY LUKE AS A SEASONAL IT WORKER WORKING 29 HOURS PER WEEK. WAGE \$8.00 PER HOUR.

Motion to approve the Consent Agenda was made by Commissioner Paul Cowley, seconded by Commissioner Ethan Migliori and the motion passed.

DISCUSSION AGENDA

(1)

ITEMS PULLED FROM THE CONSENT AGENDA.

Nothing was pulled for discussion.

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(2)

HOPE SQUAD OF CARBON AND EMERY COUNTIES, INTRODUCTION OF ORGANIZATION DEDICATED TO EDUCATING THE PUBLIC ON SUICIDE PREVENTION BY COMMUNITY AWARENESS AND INVOLVEMENT.

Debbie Marvadakis and Cathy Donovan from Southeastern Utah Health Department in Carbon County came before the Board of Commissioners to introduce the organization called the Hope Squad, dedicated to educating the public on suicide prevention by community awareness and involvement. Mrs. Marvadkis explained that currently the suicide rate in Carbon and Emery county is 22 per year which is higher than the state average of 10-11 per year. In 2013 they put together a coalition of professionals and concerned individuals to address the suicide issue and work on reducing that rate. The numbers show that they have made a difference in lowering that rate from 22 to 11 in one year. She indicated that they are missing some partners on their board as they have no representation from Emery County. She asked the Board of Commissioners to do some brainstorming and come up with a representative for their board. They hold their meetings on the 2nd Tuesday of each month at the Health Department Building in Price. She added that there is evidence that suicide is preventable. The group has been recognized and received an award on a national level for their education on prescription drug abuse and prevention program. Prescription drug abuse is what is driving the numbers up. To bring awareness about suicide prevention they sponsor several events during the year. Spring for Hope Dinner in the Park, Suicide Prevention Walk, and Hope Festival in December are a few of these events. She added that we need Emery County at the table to help support and keep the momentum going. She stated 'we don't want to see the numbers go back up'. Commissioner Keith Brady stated that Emery County will find someone to be on their board. He thanked her for the information and the work they are doing.

(3)

NEVA STRONG, DISCUSSION OF OPPOSITION TO LANDFILL TIPPAGE FEES.

Neva Strong, Castle Dale resident came before the Board of Commissioners to express opposition to landfill tippage fees. She indicated she was charged \$20.00 for a trailer load of rubble. She expressed concern that people may become discouraged by the fee and begin taking their rubble and garbage to the ravines and outlying areas of the desert and hills. Commissioner Brady indicated that at that point that would be a matter for the Sheriff's Department to issue a citation. Commissioner Cowley added that the fee is for weights that exceed 1,000 lbs. He stated he did not understand why she was charged \$20.00. He stated that the landfill is supported by the County. The tippage fee was implemented several years ago to help off set the cost of equipment at the landfill but was never enforced. Commissioner Brady asked Mrs. Strong if she was aware that there are roll-offs in each community that are available for small refuge. These roll-offs are free to the citizens. Castle Dale Mayor Danny Van Wagoner reminded the

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Commissioners that there is not a roll-off in Castle Dale due to the proximity of the landfill to the community. Mrs. Strong asked if the citizens are aware that there are these roll-offs available? Commissioner Brady stated that it is up to each city to inform the citizens of the location of the roll-off in their community. Concerning the fee Commissioner Brady indicated he has received comments from many citizens that the tippage fees are fair. The money collected from the tippage fees does go to the use of the equipment.

(4)

GERRY STOTLER, HABITAT FOR HUMANITY BOARD MEMBER, INTRODUCTION OF NEW HABITAT FOR HUMANITY EXECUTIVE DIRECTOR FOR THE AREA AND DISCUSSION OF CASTLE DALE HABITAT HOME IN FORECLOSURE.

Gerry Stotler, Habitat for Humanity Board member introduced their new Executive Director Karen Basso. Karen informed the Commissioners of foreclosure of the house in Castle Dale. This is a four bedroom house located in Orange Court in Castle Dale. The house will be available to low income families and or veterans who may qualify for low interest loan who may not otherwise be able to qualify for a conventional loan. Every adult will have to provide 200 hours of sweat equity in the home. A construction manager will be monitoring the repair/remodel. They are accepting applications for this home now. She informed the Commissioners about a program called 'A Brush with Kindness'. This program helps low income and veterans with home repairs, building handicap ramps, roof repairs, and painting projects. The program is loan based with a low repayment plan. They need volunteers for the summer.

(5)

JULIE JOHANSEN, DISCUSSION OF USFS CLOSURE OF ROADS ON THE MANTI LA-SAL FOREST.

Julie Johansen indicated that she was made aware that the issue has been resolved. The issue was regarding gates/roads closed that provide access to private property on the Manti LaSal Forest. Ray Petersen and Commissioner Cowley met with the Forest Service and were successful in reaching a resolution to the situation. Private land owners will have access to their properties when roads are closed. The county has offered to go in and clear snow drifts to dry out for better access.

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(6)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND ECSSD#1 FOR JOES VALLEY BOAT RAMP EXTENSION PROJECT.

Emery County was awarded a grant from DWR in the amount of \$45,000.00 for Joe's Valley Boat Ramp Extension Project. Emery Water Conservancy District Director Jay Mark Humphrey commented that the Water District has not been contacted once about this project. The process is not being followed correctly. The EWCD has to approve of this project. He stated he was not aware of this project until he saw it on the agenda for today. Merrill Johansen, J&T Engineering stated that this inter local agreement is for the design portion of the project only. Jay Mark added that this project is not going to happen until you follow the process and bring it before the Water Board. SSD#1 Chairman, Kent Petersen indicated that he will be attending their board meeting on July 11th. The Board of Commissioners felt that there was still value in having this interlocal agreement between ECSSD #1 and Emery County to fulfill the process. Jay Mark indicated that he understands the need, but the NEPA process alone will take a long time. It's just not going to happen this year. He indicated that the boat ramp on the marina side could be opened on heavy days like July 4th and 24th IF it was managed by DWR/FS.

Commissioner Ethan Migliori made a motion to move forward with the process by approving an inter local agreement between Emery County and ECSSD#1 for Joe's Valley Boat Ramp Extension Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(7)

CONSIDERATION AND APPROVAL OF UTAH DEPARTMENT OF TRANSPORTATION AERONAUTICAL OPERATIONS DIVISION PROJECT APPLICATION AND GRANT AGREEMENT FOR STATE AID FOR HUNTINGTON AIRPORT 2016 PROJECTS.

Commissioner Cowley has been coordinating with the Utah Department of Transportation Aeronautical Operations Division on an application and grant agreement for state aid for Huntington Airport 2016 projects. The culvert at the east end of the runway had to be replaced and the fence replaced. Huntington Airport is managed by Leon Defriez and the county has a contract/agreement with Mr. Defriez. Attorney Mike Olsen indicated that the agreement will need to be amended to include specific wording associated with the Divisions terms and conditions. Mr. Defriez is agreeable with this. Commissioner Paul Cowley made a motion to approve of Utah Department of Transportation Aeronautical Operations Division Project Application and Grant agreement for state aid for Huntington Airport 2016 projects. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(8)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT BETWEEN
EMERY COUNTY AND ECSSD#1 FOR HUNTINGTON AIRPORT IMPROVEMENTS 2016.

The Road Department replaced the culvert at the east end of the runway. They also cleared the brush to clear the runway approach. The fence between the adjoining property owner Darce Guymon and the airport runway needs to be replaced to keep Mr. Guymon's horses fenced in. An agreement between Emery County and ECSSD#1 is needed for the construction of the projects. Commissioner Paul Cowley made a motion to approve of Interlocal Agreement between Emery County and ECSSD#1 for Huntington Airport Improvements 2016. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(9)

CONSIDERATION AND APPROVAL OF 2016 TAX SALE PROCEEDINGS.

Clerk/Auditor Brenda Tuttle reported that there were 11 properties up for tax sale this year. All but one were either redeemed or signed an extension agreement with the Treasurer's Office. The one parcel sold for \$1,000.00 to Kevin Callahan. The administrative fee will be deducted and the remainder of the sale proceedings will be sent to the State Treasurer as unclaimed property. Commissioner Paul Cowley made a motion to accept the 2016 Tax Sale Proceedings. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT WITH S. MABE CONSULTING,
LLC FOR DEVELOPING/DRAFTING OF A HAZARD MITIGATION PLAN FOR EMERY
COUNTY.

Commissioner Ethan Migliori made a motion to approve of a contract with S. MABE Consulting, LLC for developing/drafting of a Hazard Mitigation Plan for Emery County. The motion was seconded by Commissioner Paul Cowley. The motion passed.

(11)

CONSIDERATION AND APPROVAL OF CELL PHONE STIPEND FOR DUSTIN DETO.

Commissioner Paul Cowley made a motion to approve of cell phone stipend for Dustin Deto. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

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(12)

CONSIDERATION AND DECISION ON PROPOSED RESOLUTION AMENDING TITLE 1, CHAPTER C, OF THE EMERY COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL REGARDING COMMISSION SENIOR ADMINISTRATIVE ASSISTANT POSITION (TO THREE PART-TIME AND EXECUTIVE ADMINISTRATIVE ASSISTANTS.)

Scott Crook, from the law firm of Arnold & Crook was retained in 2015 to review and make recommendations on amendments to the County's personnel policy and procedures manual. Mr. Crook stated that he has been an employment attorney since 2008 and has been retained by several cities and counties and other local government entities to review personnel policies and make suggestions. He has also been retained by several government entities on human resource matters. He explained that in September of 2015 he recommended Emery County consider changing most of the executive level positions from executive to career service positions. He also recommended department head and confidential secretaries and those who have particular functions to assist the county commissioners be made 'at-will' employees. He explained the reasoning behind this recommendation. There is a County Personnel Management Act which was adopted by Utah which specifically identifies those positions that it considers to be executive level positions. He stated that his recommendation at that time was that the Commission simply follow the state statute and make everybody executive that was department head or in executive level positions. This is a decision that was entirely up to the Commission to make or not make. At that time the County Commissioners decided to retain all of the positions as civil service /career service positions even for department heads. This decision was totally against my recommendation. However, at this point he has recommended again that the Commission make at least the administrative assistant position, that is executive level that answers to each of the Commissioners, since each of the commissioners has distinct political interest from the others, that be made an executive level position which simply means that it is an 'at-will' position. He has made this recommendation in form of a proposed resolution and an amendment. He had some changes to the draft proposed resolution if the Commission determines to adopt it. On page 11 of the document, instead of administrative assistant it should read confidential secretary. So that would replace the senior administrative assistant which is a full time occupational position and changing it to three part time executive level confidential secretary positions. Commissioner Ethan Migliori made a motion to adopt Resolution 6-7-16 amending Title 1 Chapter C, of the Emery County Personnel Policies and Procedures Manual with additional recommendations by Mr. Crook. The motion was seconded by Commissioner Paul Cowley. The motion passed.

Val Payne asked if the public can make comment and ask questions?

Mr. Payne stated that as he understands the recommendation there will be three separate secretaries, one serving each commissioner individually. At which point will coordination

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occur? He was concerned that they are spreading it across three lines of authority and where will they come together. If you gentlemen meet to discuss things without having a posted, public meeting, then you are violating the law. If you want to hold more meetings go for it. You will be risking the checks and balances that the administrative assistant offers. Mr. Crook answered by saying that your point is well taken that it should be a confidential position. That is exactly why the position should be an executive level position. Because it is an 'at-will' position. The person serves at the instance of the Commissioner. If the Commissioner cannot trust the person that they have as a confidential secretary. As 'at-will' position if the Commissioner feels that confidentiality has been breached they can terminate that employee.

Val Payne continued with questions regarding confidentiality of the three secretaries. He repeated what Mr. Crook stated that if the secretary violates the confidence they may be discharged. He questioned Mr. Crook and the Commissioners whether the violation of confidence is what is driving this decision? Commissioner Brady answered 'no' that the Commissioners are just looking to restructure this position. Bernice Payne asked if it is to save money? Commissioner Brady answered that he had not even thought of it saving money. Cost saving was not even in the consideration. Val Payne added that in his opinion the three, separate confidential secretaries is ill advised. Mr. Crook added that this advice is the right policy to have in place. He added that this is the way county governments operate. He added that Emery County is the only county or city government that he was aware of with career service positions at all levels of government offices. Patsy Stoddard commented that you proposed this change last September is that correct? And at that point they rejected it? Why are they entertaining it now? Someone had a change of heart or change of mind for this to come up now. Mr. Crook answered that he did not know. His advice has never changed. Did the Commissioners contact you? Mr. Crook answered that is attorney client privilege information. If there were closed door meetings then I do object to that. If the Commission is talking about these type of things people need to know that.

(13)

CONSIDERATION AND APPROVAL OF AMENDING EMERY COUNTY SHORT TERM
PROJECT LIST FOR PERMANENT COMMUNITY IMPACT FUND BOARD TO INCLUDE
HUNTINGTON CITY ADA COMPLIANCE RESTROOM AND CEMETERY PROJECT.

Commissioner Ethan Migliori made a motion to approve amending the Emery County Short Term Project List for Permanent Community Impact Fund Board to include Huntington City ADA compliance Restroom and Cemetery Project. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(14)

RATIFICATION OF \$4,515,000.00 COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY AND U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE FOR EMERGENCY WATERSHED PROTECTION IN EMERY COUNTY.

A few meetings back the Commission agreed to proceed with a watershed protection project with NRCS. A Cooperative Agreement between Emery County and U.S. Department of Agriculture Natural Resource Conservation Service needed to be signed and forwarded to the NRCS by June 1st. J& T has done the preliminary drawings and engineering. The County will match with 25% (\$800,000.00). All financing will be administered through the Clerk/Auditor's office. Commissioner Paul Cowley made a motion to ratify the signing of a cooperative agreement between Emery County and U.S. Department of Agriculture Natural Resource Conservation Service for Emergency Watershed Protection in Emery County. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(15)

DISCUSSION OF TERMINATING CONTRACT WITH SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENT FOR SENIOR CITIZEN SERVICES/PROGRAM. DISCUSSION OF PLANS TO HIRE SENIOR CITIZENS DIRECTOR AND FUTURE DIRECTION OF PROGRAM.

Commissioner Cowley discussed possibly employing someone from Emery County to administer the Senior Citizen Services Program for Emery County. The county would still maintain connection with SEUALG for the buildings. Commissioner Migliori added that there are still a number of pieces that need to be added to the discussions. They will continue to discuss this matter.

(16)

CONSIDERATION AND APPROVAL OF BULK RATES FOR AQUATIC CENTER PASSES FOR BUSINESS PURCHASE.

Commissioner Ethan Migliori made a motion to approve bulk rate pass purchase at 15% off for purchase of 25-49 passes and 30% off for purchase of 50 or more passes. The motion was seconded by Commissioner Paul Cowley. The motion passed.

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(17)

CONSIDERATION AND APPROVAL OF LETTER TO SECRETARY JEWEL REGARDING THE COAL MORATORIUM.

Commissioner Paul Cowley made a motion to approve of letter to Secretary Jewel regarding the Coal Moratorium. The motion was seconded by Commissioner Ethan Migliori. The motion passed.

(18)

ELECTED OFFICIALS REPORT.

Sheriff Greg Funk announced that he visited with the representatives from the HOPE SQUAD and has volunteered to represent Emery County on their HOPE SQUAD. He also announced that Brent Ward will be coming back to work and thanked everyone for their continued support of his family during this difficult time.

Commissioner Migliori reminded everyone of the upcoming Emery County Fair.

Commissioner Brady reported that Emery County Event Coordinator Holly Jorgensen has been busy making contacts and getting events out there for the communities.

Commissioner Cowley expressed his appreciation to Leslie Bolinder for her assistance. Even though this change is difficult we will get through this and move forward.

(19)

ADJOURNMENT

The meeting was adjourned.

ATTEST: _____ COMMISSIONER: _____